

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of IAN PRATT, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SHEREE PRATT,

Respondent-Appellant.

UNPUBLISHED

October 25, 2002

No. 237575

Wayne Circuit Court

Family Division

LC No. 00-394502

Before: Hoekstra, P.J., and Wilder and Zahra, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order of disposition making the minor child a temporary ward of the court. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Petitioner sought temporary wardship for the minor child. Following a preliminary hearing, the court authorized the petition and placed the child outside the home. MCR 5.965(B)(9), (C). At a pretrial hearing, the parties agreed to stipulate to jurisdiction so the child could reside with relatives outside the state. The court then entered an order of jurisdiction.

Respondent contends that the trial court erred in assuming jurisdiction without advising her of her rights to a trial and eliciting admissions from her to establish a factual basis for jurisdiction. Reversible error cannot be error created by the appellant, either by design or negligence, *Harville v State Plumbing & Heating Co*, 218 Mich App 302, 323-324; 553 NW2d 377 (1996), and thus a party's lawyer "cannot request a certain action in the trial court and then argue on appeal that it was error for the trial court to grant the request." *Joba Constr Co, Inc v Burns & Roe, Inc*, 121 Mich App 615, 629; 329 NW2d 760 (1982). Stated another way, "a party may not take a position in the trial court and subsequently seek redress in an appellate court on the basis of a position contrary to that taken in the trial court." *Phinney v Perlmutter*, 222 Mich App 513, 544; 564 NW2d 532 (1997). Because respondent's only claim of error is predicated upon action she herself requested, we find no basis for reversal.

Affirmed.

/s/ Joel P. Hoekstra

/s/ Kurtis T. Wilder

/s/ Brian K. Zahra